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EMECO INDUSTRIES, INC.

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RESTORATION HARDWARE, INC., GARY  
FRIEDMAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

15 EMECO INDUSTRIES, INC.  
16 Plaintiff,

CASE NO. CV 12-05072 MMC  
**STIPULATION TO DISMISS ACTION;  
[PROPOSED] ORDER THEREON**

17 v.  
18  
19 RESTORATION HARDWARE, INC., GARY  
FRIEDMAN, and DOES 1-10.  
20 Defendants.

1 Plaintiff Emeco Industries, Inc. (“Plaintiff”), and Defendants Restoration Hardware, Inc.  
2 and Gary Friedman (“Defendants”) hereby stipulate through their respective attorneys as  
3 follows:

4 WHEREAS, on October 1, 2012, Plaintiff filed a Complaint for Federal Trade Dress and  
5 Trademark Counterfeiting and Infringement; Federal Dilution; Common Law Trade Dress and  
6 Trademark Infringement; Violation of Cal. Bus. & Prof. Code §§ 14330 *et seq.*; and Violation of  
7 Cal. Bus. & Prof. Code §§ 17200 *et seq.*

8 WHEREAS, on December 6, 2012, the Court granted in part and denied in part  
9 Defendants’ Motion to Dismiss and afforded Plaintiff leave to amend the Complaint;

10 WHEREAS, on January 4, 2013, Plaintiff filed a First Amended Complaint for Federal  
11 Trade Dress Counterfeiting and Infringement; Federal Trademark Infringement; Federal  
12 Dilution; Common Law Trade Dress and Trademark Infringement; Violation of Cal. Bus. &  
13 Prof. Code §§ 14247 *et seq.*; and Violation of Cal. Bus. & Prof. Code §§ 17200 *et seq.*

14 WHEREAS, the parties have recently agreed to settle this matter;

15 WHEREAS, pursuant to Fed. R. Civ. P. 41(a)(1)(A), the parties jointly request that the  
16 Court dismiss this action with prejudice.

17 NOW THEREFORE, IT IS HEREBY STIPULATED that, subject to the Court’s  
18 approval:

19 1. The First Amended Complaint shall be dismissed with prejudice.

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21 Respectfully Submitted,

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1 Dated: February 8, 2013

Dated: February 8, 2013

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3 */s/ Jonathan H. Blavin*  
4 JONATHAN H. BLAVIN  
5 Jonathan.Blavin@mto.com

3 */s/ Wesley E. Overson*  
4 WESLEY E. OVERSON  
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12 Restoration Hardware, Inc. and Gary  
13 Friedman

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

15 DATED: February 11, 2013

  
16 THE HONORABLE MAXINE M. CHESNEY  
17 United States District Judge

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**ATTESTATION PURSUANT TO CIVIL L.R. 5-1(i)(3).**

19

I, Jonathan H. Blavin, am the ECF User whose ID and password are being used to file this  
20 Stipulation to Dismiss Action and Proposed Order Thereon. In compliance with Civil L.R. 5-  
21 1(i)(3), I hereby attest that Wesley E. Overson has concurred in this filing.

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Dated: February 8, 2013

MUNGER, TOLLES & OLSON LLP

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*/s/ Jonathan H. Blavin*  
24 JONATHAN H. BLAVIN  
25 Jonathan.Blavin@mto.com

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